

REMARKS

Claims 1-18 are presently pending in this application.

I. Allowable Subject Matter

The Examiner indicates that claims 5, 6, 11, 16 and 17 contain allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of their respective base claims. Applicant respectfully requests that the rewriting of claims 5, 6, 11, 16 and 17 be held in abeyance, as independent claims 1, 7, 13 and 18 are patentably distinguishable over the cited prior art.

II. Claim Rejections Under 35 U.S.C. §103(a)

Claims 1, 4, 7, 10, 13 and 18 are rejected under 35 U.S.C. §103(a) as allegedly obvious over Toffolo, *et al.* (U.S. Patent No. 6,628,247; hereinafter “Toffolo”) in view of Klein (U.S. Patent No. 6,401,209). Applicant respectfully traverses the rejection.

Toffolo is related to a method and apparatus for reducing latent images in displays by shifting an image so that emissive elements of the display “age” more evenly. Specifically, Toffolo teaches that a display controller 24 drives a display 22 to illuminate a plurality of pixels according to a video source 26, forming an image 30 in a first position. See Toffolo, col. 2, lines 10-20. After a predetermined time period, the display controller 24 displays the image 30 in a second position, while simultaneously displaying the image 30 in the first position. See Toffolo, col. 2, lines 21-44. After an interim time period, the image 30 is displayed only in the second

position. According to this method, Toffolo teaches that the emissive elements of the display may “age” more evenly.

Toffolo appears to implement a completely different method for correcting after-images than the present invention. Toffolo teaches the well known method of shifting a picture position up and down. Toffolo, therefore, does not appear to teach or suggest:

a detecting sensor for detecting whether there exists a user within a predetermined range from the display when a still picture corresponding to video signals of an identical pattern outputted from the signal processing unit is displayed on the display beyond a pre-set time; and

a control unit for controlling the signal processing unit to display an afterimage-eliminating picture on the display when a signal corresponding to a non-presence of the user is outputted from the detecting sensor, thereby eliminating the afterimage caused due to the still picture.

The Examiner concedes that Toffolo does not teach or suggest the “detecting sensor” recited by claim 1. The Examiner relies instead on Klein for teaching this unique feature of the claim. Klein relates to a method for switching a computer to a password protected screen saver. Col. 3, lines 23-35 of Klein¹, which the Examiner cites as allegedly disclosing this feature, discloses a computer 10, a CRT monitor 14, and a keyboard 18, wherein the keyboard 18 contains a proximity sensor 20 that detects whether or not the computer user is present. See Klein,

¹ The Examiner actually cites Klein, col. 2, lines 23-35, but Applicant believes the Examiner meant to cite col. 3, lines 23-35.

col. 3, lines 23-28. When the user leaves a workspace, the proximity sensor detects it and starts a screen saver.

First, Applicant respectfully submits that while not dispositive, the fact that two references are from non-analogous art is strongly suggestive of the fact that one of ordinary skill in the art would not have been motivated to combine the two references. See MPEP 2141.01. Here, Toffolo relates to a method and apparatus for reducing latent images in a display, while Klein is directed to a method for implementing a screen saver that activates when a user leaves the range of a proximity sensor. Toffolo and Klein are completely unrelated, and deal with completely different problems in their respective fields.

Second, the teachings of two references are not sufficient to establish a *prima facie* case of obviousness if the proposed modification or combination of the references would change the principle of operation of the prior art invention being modified. See MPEP 2143.01. Here, Toffolo teaches a method for reducing latent images in a display by shifting the position of an image in different directions in order to even the “age” of the emissive units. The Examiner proposes modifying Toffolo to display an “after-image eliminating picture”. However, this is antithetical to the principle of Toffolo, which is tiny repositioning of the displayed image while the user continues to view the display screen.

Third, to establish a *prima facie* case of obviousness, the Examiner must show some teaching or suggestion in the cited reference, which would motivate one of ordinary skill in the art to combine the references. See MPEP 2143.03. Here, the Examiner asserted that one of

ordinary skill in the art would have been motivated to modify Toffolo by the teachings of Klein “in order to automatically switch computer to different mode when a computer user leaves the proximity of computer”. See Office Action, pg. 3. First, the Examiner has merely asserted the result of the combination as the motivation for combining. This is the essence of impermissible hindsight. The Examiner is asserting that the present invention is the motivation for combining Toffolo and Klein. Second, this motivation is not taught anywhere in Toffolo, because, as mentioned above, Toffolo teaches a completely different method for reducing latent images on a display than is implemented by the present invention.

Fourth, even assuming, *arguendo*, that Toffolo and Klein could be combined, the combination would not teach or suggest all of the features and limitations of the claimed invention. Specifically, Toffolo and Klein, alone or in combination, do not teach or suggest “detecting sensor for detecting whether there exists a user within a predetermined range from the display”, or “display an after image-eliminating picture on the display when a signal corresponding to a non-presence of the user is outputted from the detecting sensor”, as recited by claim 1. Indeed, Klein only teaches detecting the proximity of a user to a keyboard, not a display. Further, neither reference teaches the use of “an after image-eliminating picture”, nor displaying “an after image-eliminating picture” when a user is not present.

With regard to independent claims 7, 13 and 18, Applicant respectfully submits that they recite features similar to independent claim 1 and are patentably distinguishable from the prior

art according to similar reasoning. Further, claims 2-4, 8-10, 12, 14 and 15 are *at least* patentable by virtue of their respective dependencies on allowable independent claims 1, 7, 13 and 18.

III. Conclusion

In view of the preceding remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned attorney at the local telephone number listed below.

The USPTO is directed and authorized to charge all required fees (with the exception of the Issue/Publication Fees) to our Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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